

**UNITED STATES DISTRICT COURT**  
for the  
Western District of Washington

In the Matter of the Search of  
*(Briefly describe the property to be searched  
or identify the person by name and address)*

Four Facebook accounts, more fully described in  
 Attachment A.

Case No. MJ20-183

**APPLICATION FOR A SEARCH WARRANT**

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (*identify the person or describe the property to be searched and give its location*):

See Attachment A, attached hereto and incorporated herein by reference.

located in the Northern District of California, there is now concealed (*identify the person or describe the property to be seized*):

See Attachment B, attached hereto and incorporated herein by reference.

The basis for the search under Fed. R. Crim. P. 41(c) is (*check one or more*):

- evidence of a crime;
- contraband, fruits of crime, or other items illegally possessed;
- property designed for use, intended for use, or used in committing a crime;
- a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

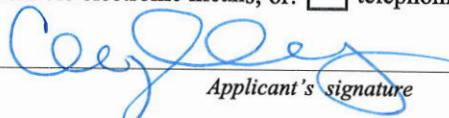
<i>Code Section</i>	<i>Offense Description</i>
18 U.S.C. §§ 113, 1111, 1112	Assault within maritime and territorial jurisdiction; Murder; Manslaughter

The application is based on these facts:

- See Affidavit of Special Agent Caryn Highley, continued on the attached sheet.

Delayed notice of \_\_\_\_\_ days (give exact ending date if more than 30 days: \_\_\_\_\_) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

Pursuant to Fed. R. Crim. P. 4.1, this warrant is presented:  by reliable electronic means; or:  telephonically recorded.

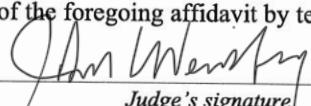


*Caryn Highley*  
Applicant's signature

Caryn Highley, Special Agent  
Printed name and title

- The foregoing affidavit was sworn to before me and signed in my presence, or
- The above-named agent provided a sworn statement attesting to the truth of the foregoing affidavit by telephone.

Date: 4/17/2020



*John L. Weinberg*  
Judge's signature

City and state: Seattle, Washington

John L. Weinberg, United States Magistrate Judge  
Printed name and title

## AFFIDAVIT OF CARYN HIGHLEY

STATE OF WASHINGTON )  
 )  
COUNTY OF KING )

I, Caryn Highley, a Special Agent with the Federal Bureau of Investigation (“FBI”), Seattle, Washington, having been duly sworn, state as follows:

## **INTRODUCTION AND AGENT BACKGROUND**

1. I am a Special Agent with the Federal Bureau of Investigation (“FBI”), and have been since August 2014. While employed by the FBI, I have investigated federal criminal violations related to violent crimes, illegal drug sales and distribution, gang related criminal activities, child exploitation/child pornography, high technology or cyber crime, and special jurisdiction matters. I am authorized to investigate and enforce violations of federal criminal statutes, including those found in Title 18 and 21 of the United States Code. I have received basic law enforcement training at the 20-week FBI Academy. This training focused on various aspects of conducting criminal enterprise investigations such as interviewing and interrogation techniques, physical and electronic surveillance, development and management of confidential human sources, and arrest planning and execution.

2. The facts set forth in this Affidavit are based on my own personal knowledge; knowledge obtained from other individuals during my participation in this investigation, including other law enforcement officers; review of documents and records related to this investigation; communications with others who have personal knowledge of the events and circumstances described herein; and information gained through my training and experience.

3. Because this Affidavit is submitted for the limited purpose of establishing probable cause in support of the application for a search warrant, it does not set forth each and every fact that I or others have learned during the course of this investigation. I

1 have set forth only the facts that I believe are necessary to establish probable cause to  
 2 believe that evidence, fruits, and instrumentalities of violations of 18 U.S.C. § 113, 18  
 3 U.S.C. § 1111, or 18 U.S.C. § 1112 will be found on the below listed Facebook accounts.

4 **PURPOSE OF THIS AFFIDAVIT**

5. I make this Affidavit in support of an application under Rule 41 of the Federal  
 6 Rules of Criminal Procedure and 18 U.S.C. §§ 2703(a), 2703(b)(1)(A), and 2703(c)(1)(A)  
 7 to require Facebook for a warrant for information associated with the Facebook accounts  
 8 **johnnieB.EAZY (account identifier 100000860514228); john.fuentes.1217727**  
 9 **(account identifier 100024203054648); john.fuenfes (account identifier**  
 10 **100023026680115); and account identifier 100004617467232** (the “Subject Accounts”),  
 11 stored at premises controlled by Facebook, a social media platform headquartered at 1601  
 12 Willow Road, Menlo Park, CA 94025. This information is further described in Attachment  
 13 A.

14. As further discussed below, one of the Subject Accounts is the account of  
 15 J.B.S., who is now deceased in what is being investigated as a potential assault, homicide,  
 16 or manslaughter, in violation of 18 U.S.C. § 113, 18 U.S.C. § 1111, or 18 U.S.C. § 1112.  
 17 The remaining three Subject Accounts are the accounts of John FUENTES, one of the last  
 18 individuals known to have seen J.B.S. alive, and a suspect in the death of J.B.S. J.B.S.  
 19 frequently used Facebook Messenger to communicate with others, as he did not have a  
 20 regular cell phone. In addition, FUENTES told the mother of J.B.S. in September 2019  
 21 that he had sent messages to J.B.S. via Facebook Messenger after J.B.S. purportedly  
 22 (according to FUENTES) disappeared. The content of any such communications could  
 23 serve to incriminate or exculpate FUENTES; the content of the communications found in  
 24 J.B.S.’s Facebook Messenger account could provide evidence regarding his last  
 25 whereabouts prior to his death; and the location data that may be contained in the Facebook  
 26 Accounts would provide evidence as to the physical location of J.B.S. or FUENTES in the  
 27 days leading up to J.B.S.’s death.

6. Accordingly, the search warrant would require Facebook to disclose to the government copies of the information (including the content of communications) further described in Section I of Attachment B. Upon receipt of the information described in Section I of Attachment B, government-authorized persons will review that information to locate the items described in Section II of Attachment B.

## **PROBABLE CAUSE**

7. On the morning of June 23, 2018, shortly after 8:00 a.m., the body of an unidentified male was found washed ashore a small rock beach on Valdez Island, located just south of Gabriola Island, British Columbia (BC), Canada. Gabriola Island Royal Canadian Mounted Police Detachment and the BC Coroner's Service responded to Valdez Island to document the scene and remove the body. Based on the Forensic Identification Report, the unknown male appeared to be in his mid to late 20s and had several unique tattoos on his body. The body was bloated, weathered, and in extreme decomposition. However, the condition of the skin was such that several unique tattoos were able to be documented. These tattoos were later used to positively identify the body as that of J.B.S., a United States Citizen, from Ocala, Florida.

8. On February 5, 2019, a news article was published online stating that Canadian officials needed help in identifying the unknown male who had washed ashore on June 23, 2018 on Valdez Island. The article had two graphics depicting the body of a person and the location and look of several distinctive tattoos. D.S., the mother of J.B.S., and J.S., the father of J.B.S., saw the two graphics with the unique tattoos depicted and believed it was J.B.S.

9. On March 21, 2019, D.S. and J.S. contacted the Royal Canadian Mounted Police and provided them with multiple photographs of J.B.S. and his tattoos. Based on those tattoos and unique jewelry found, the body was positively identified as J.B.S.

10. On March 23, 2019, D.S. and J.S. called the Federal Bureau of Investigation (FBI) National Threat Operations Center to report the suspicious death of

1 their son, J.B.S. On March 29, 2019, D.S. and J.S. were interviewed over the telephone  
 2 by FBI Special Agents (SA) Caryn J. Highley and SA William Mellott.

3       11. In May 2018, J.B.S. was living with his parents in Ocala, Florida. J.B.S.  
 4 had recently finished a job and was looking for work. While in Florida, J.B.S. was  
 5 contacted by JOHN FUENTES and ANTONIO HALE, who were working on the fishing  
 6 boat WHALE. J.B.S. was told that their boat was short one man, and that J.B.S. could  
 7 come out for 30 days and, if it went well, stay on for a three-month period and make  
 8 \$13,000 per month. J.B.S. was friends with HALE and FUENTES and had met them in  
 9 Ocala, Florida when they lived at the Windsor Tower Apartments. J.B.S. agreed to take  
 10 the job and contacted the owner of the fishing boat WHALE, WALTER SUOMELA, at  
 11 907-299-3984.

12       12. On May 30, 2018, SUOMELA purchased a one-way ticket for J.B.S. with  
 13 SUOMELA's Alaska Airlines Mileage credit card. On the same day, D.S. received two  
 14 text messages from telephone number 954-445-8225 (a number investigators later  
 15 associated with HALE), with J.B.S.'s flight details and confirmation number. The two  
 16 messages read, "[J.B.S.] flight info:. AlaskaAir. #339 lv.Orlando at3:45 pm. to Dan  
 17 Diego. Leave San Diego on Alaska Air flight#949 at 7:38pm to Seattle. Leave Seattle on  
 18 Alaska Air flight #3439 at 11:38pm and arrive in Bellingham, Washington at 12:26 am  
 19 Your confirmation code for these flights is:. ERDEBN".

20       13. On May 31, 2018, J.B.S. missed his flight to Bellingham and was  
 21 rescheduled on a later flight. According to records obtained from Alaska Airlines, J.B.S.  
 22 departed Orlando International Airport (MCO) at 5:25 p.m. with a scheduled arrival into  
 23 Portland International Airport (PDX) at 8:30 p.m. J.B.S. departed PDX at 10:52 p.m. and  
 24 arrived at Bellingham International Airport (BLI) on May 31, 2018, at 11:48 p.m.  
 25 According to those same records, both this ticket and the ticket referenced in Paragraph  
 26 12 were purchased by "Walter W Suomela," using the address "PO Box 3092, Homer,  
 27 AK 99603"; the email address wsuomela04@yahoo.com; and the phone number 907-  
 28 299-3984. That address is the same address listed for SUOMELA on his credit report,

1 and where SUOMELA receives his bank account statements for a credit card account  
 2 with Bank of America and checking account with Alaska USA Federal Credit Union.  
 3 Subscriber and toll detail records requested from AT&T listed a “Walter Suomela” as the  
 4 subscriber for 907-299-3984 from December 2017 through at least November 2019; this  
 5 is also the phone number the U.S. Coast Guard used to contact Suomela as the owner of  
 6 the WHALE on June 2, 2018 following an oil spill incident in Puget Sound. I therefore  
 7 believe SUOMELA purchased both tickets.

8       14. J.B.S. had a personal cell phone—telephone number 352-246-2950—but it  
 9 did not have network service and he could only communicate with the device over Wi-Fi.  
 10 J.B.S. regularly used his Facebook Messenger account (over Wi-Fi) and D.S.’s cellular  
 11 phones to communicate. According to D.S., J.B.S.’s Facebook account is:

12 **johnnieB.EAZY (account identifier 100000860514228).** Photographs from the account  
 13 display an individual matching the individual identified as J.B.S. by his mother, D.S.  
 14 Records from Facebook state that the user’s name is the same as J.B.S.’s, list J.B.S.’s  
 15 Google email address as the registered email address, and list J.B.S.’s cell phone number  
 16 as one of the verified phone numbers for the account.

17       15. Prior to leaving Florida, J.B.S. used both his Facebook Messenger account  
 18 and D.S.’s cellular phone—telephone number 352-275-2531—to communicate. J.B.S.  
 19 did not leave Florida with a cellular phone, but took a Samsung Tablet with him, which  
 20 he connected to available Wi-Fi networks. While J.B.S. was traveling, D.S. saw a public  
 21 post J.B.S. placed on his Facebook page attempting to reach HALE. D.S. contacted J.B.S.  
 22 and learned he was waiting at the airport for HALE to arrive. J.B.S. stated that his tablet  
 23 was dying and that he had left the charger back in Florida. J.B.S. used a stranger’s phone  
 24 to make a call to his mother. D.S. reached out to HALE for J.B.S. HALE told D.S. to not  
 25 worry, and that they were bringing the boat down to Seattle and would get J.B.S. from the  
 26 airport.

27       16. On June 1, 2018, D.S. received a call from J.B.S., who was using HALE’s  
 28 phone. J.B.S. told D.S. he was on the WHALE and would talk to her and J.S. when he

1 could. As of 2019, D.S. had two phone numbers for HALE saved in her contact list: 954-  
 2 445-8225 and 954-665-3828. D.S. could not recall which number had been used by J.B.S.  
 3 to call her.

4       17. Both phone numbers for HALE received service through Sprint  
 5 Corporation. Subscriber and toll detail records requested from Sprint listed an “Anton W  
 6 Hale” as the subscriber for 954-445-8225 during the time period of November 16, 2017,  
 7 through September 17, 2018. The account billing address was 600 NW 2nd Street, Ocala,  
 8 Florida 34475.

9       18. Subscriber and toll detail records requested from Sprint listed “ANTONIO  
 10 HALE” as the subscriber for telephone number 954-665-3828 during the time period of  
 11 February 16, 2018, through the date records were requested (April 29, 2019). HALE’s  
 12 billing address was listed as 3938 NW 77th, Hollywood, Florida 33024. This is also the  
 13 same address listed on HALE’s Florida State Driver’s License.

14       19. On June 2, 2018, at approximately 7:33 a.m., D.S. sent several text  
 15 messages with names and phone numbers “For Johnnie” to HALE’s 954-665-3828.  
 16 Approximately five hours later D.S. received two text messages in response that read,  
 17 “Love you” and “Ask Dad what is the mythological goddess airs represent”.  
 18 Approximately 10 minutes later, at 1:19 p.m., D.S. responded with “The God of war.”  
 19 That was the last time D.S. or J.S. communicated with J.B.S.

20       20. As stated earlier, J.B.S.’s body was recovered on the beach of Valdez  
 21 Island on June 23, 2018. Because J.B.S. regularly communicated with others using his  
 22 Facebook Messenger account or Facebook wall posts, including his attempt to contact  
 23 HALE during this trip, the content and location records from J.B.S.’s Facebook account  
 24 could reveal his whereabouts or contacts in the time period between June 2, 2018, when  
 25 he last communicated with his parents, and June 23, 2018, when his body was found, all  
 26 of which would be evidence relating to his disappearance and the cause of his death.

27       21. On June 4, 2018, D.S. sent several more text messages to J.B.S. at 954-665-  
 28 3828. She received no response. After approximately 30 days, D.S. became worried and

1 | texted HALE at 954-445-8225. Again, she received no response. D.S. attempted to  
 2 | contact HALE multiple times via text message and voice call, but did not receive a  
 3 | response until September 9, 2018. On September 9th, HALE called D.S. using 954-445-  
 4 | 8225 and the two spoke for just over 15 minutes. HALE told D.S.: that J.B.S. became  
 5 | “skirmish” [sic] on the boat and began “talking about God.” J.B.S. got off the boat in  
 6 | Alaska where he met a female captain of another boat and decided to leave the WHALE  
 7 | permanently. HALE said he told J.B.S. they would wait for him until 8:30 a.m. the next  
 8 | day, however, J.B.S. did not show up the following morning and the WHALE and crew  
 9 | left without J.B.S. onboard. That was the last time HALE saw J.B.S. HALE also  
 10 | mentioned J.B.S. had borrowed \$40.00 from FUENTES and \$100.00 from HALE before  
 11 | he left.

12 |       22. The following day, D.S. received a text message from HALE with the  
 13 | phone number “(352) 355-5541”, which HALE indicated belonged to FUENTES.

14 |       23. On August 29, 2019, D.S. called the phone number listed above for  
 15 | FUENTES. A woman who stated she was Terry Fuentes, FUENTES’s wife, spoke with  
 16 | D.S. Terry Fuentes relayed that FUENTES had previously told her that J.B.S. had gotten  
 17 | off the WHALE in Alaska after meeting a woman. The wife also stated that FUENTES  
 18 | had mentioned that J.B.S.’s belongings were still on the WHALE vessel.

19 |       24. In September 2019, D.S. called FUENTES at a number provided by his  
 20 | wife: 352-300-7397. D.S. recorded the conversation using a recording device that had  
 21 | been given to her by the FBI. FUENTES similarly stated that J.B.S. had met a woman in  
 22 | Alaska, left with her, and never returned to the WHALE. FUENTES described the  
 23 | unknown female as very small and wearing a coat that appeared to be swallowing her.  
 24 | FUENTES also stated that SUOMELA and HALE were on the WHALE with him at the  
 25 | time of this conversation. Finally, Fuentes stated that J.B.S. had left the WHALE in  
 26 | Ketchikan, Alaska and that Fuentes had tried to contact J.B.S. via Facebook Messenger  
 27 | after that point.

1       25. When J.S. and D.S. were first interviewed by law enforcement in March  
 2 2019, they provided three Facebook pages for FUENTES. J.B.S.'s 11-year-old son  
 3 recognized FUENTES on these Facebook pages as an individual who was friends with  
 4 J.B.S. prior to the June 2018 WHALE trip. Those accounts are the Facebook accounts  
 5 with the usernames: **john.fuentes.1217727 (account identifier 100024203054648);**  
 6 **john.fuenfes (account identifier 100023026680115);** and **John Fuentes (account**  
 7 **identifier 100004617467232).** Subscriber information for all three accounts list "John  
 8 Fuentes" as the subscriber, and two of the three list a cell phone number that is listed as  
 9 the backup number in subscriber records to Fuentes's cell phone number. The following  
 10 photographs were retrieved on April 9, 2020 from the publicly accessible versions of  
 11 these Facebook pages; two of the accounts (**john.fuentes.1217727** and **john.fuenfes**) had  
 12 the same photo of this individual displayed:



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 18 The final Facebook page for account **John Fuentes** had a photo displayed of what  
 19 appeared to be the same individual as the two above accounts:  
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 26 Fuentes's Florida driver's license photograph is:  
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8       26. The fact that these photographs displayed the same apparent person across  
9 all three accounts, which match the photograph of FUENTES on his Florida Driver's  
10 License, along with the subscriber information that matches information known to be  
11 associated with FUENTES, indicate to me that all three of these accounts are indeed used  
12 by FUENTES.

## **BACKGROUND ON FACEBOOK**

14        27. Facebook owns and operates a free-access social networking website of the  
15 same name that can be accessed at <http://www.facebook.com>. Facebook allows its users  
16 to establish accounts with Facebook, and users can then use their accounts to share written  
17 news, photographs, videos, and other information with other Facebook users, and  
18 sometimes with the general public.

19       28. Facebook asks users to provide basic contact and personal identifying  
20 information to Facebook, either during the registration process or thereafter. This  
21 information may include the user's full name, birth date, gender, contact e-mail addresses,  
22 Facebook passwords, physical address (including city, state, and zip code), telephone  
23 numbers, screen names, websites, and other personal identifiers. Facebook also assigns a  
24 user identification number to each account.

25        29. Facebook users may join one or more groups or networks to connect and  
26 interact with other users who are members of the same group or network. Facebook assigns  
27 a group identification number to each group. A Facebook user can also connect directly

1 with individual Facebook users by sending each user a “Friend Request.” If the recipient  
 2 of a “Friend Request” accepts the request, then the two users will become “Friends” for  
 3 purposes of Facebook and can exchange communications or view information about each  
 4 other. Each Facebook user’s account includes a list of that user’s “Friends” and a “News  
 5 Feed,” which highlights information about the user’s “Friends,” such as profile changes,  
 6 upcoming events, and birthdays.

7       30. Facebook users can select different levels of privacy for the communications  
 8 and information associated with their Facebook accounts. By adjusting these privacy  
 9 settings, a Facebook user can make information available only to himself or herself, to  
 10 particular Facebook users, or to anyone with access to the Internet, including people who  
 11 are not Facebook users. A Facebook user can also create “lists” of Facebook friends to  
 12 facilitate the application of these privacy settings. Facebook accounts also include other  
 13 account settings that users can adjust to control, for example, the types of notifications they  
 14 receive from Facebook.

15       31. Facebook users can create profiles that include photographs, lists of personal  
 16 interests, and other information. Facebook users can also post “status” updates about their  
 17 whereabouts and actions, as well as links to videos, photographs, articles, and other items  
 18 available elsewhere on the Internet. Facebook users can also post information about  
 19 upcoming “events,” such as social occasions, by listing the event’s time, location, host, and  
 20 guest list. In addition, Facebook users can “check in” to particular locations or add their  
 21 geographic locations to their Facebook posts, thereby revealing their geographic locations  
 22 at particular dates and times. A particular user’s profile page also includes a “Wall,” which  
 23 is a space where the user and his or her “Friends” can post messages, attachments, and  
 24 links that will typically be visible to anyone who can view the user’s profile.

25       32. Facebook allows users to upload photos and videos, which may include any  
 26 metadata such as location that the user transmitted when s/he uploaded the photo or video.  
 27 It also provides users the ability to “tag” (i.e., label) other Facebook users in a photo or  
 28 video. When a user is tagged in a photo or video, he or she receives a notification of the

1 tag and a link to see the photo or video. For Facebook's purposes, the photos and videos  
 2 associated with a user's account will include all photos and videos uploaded by that user  
 3 that have not been deleted, as well as all photos and videos uploaded by any user that have  
 4 that user tagged in them.

5       33. Facebook users can exchange private messages on Facebook with other  
 6 users. Those messages are stored by Facebook unless deleted by the user. Facebook users  
 7 can also post comments on the Facebook profiles of other users or on their own profiles;  
 8 such comments are typically associated with a specific posting or item on the profile. In  
 9 addition, Facebook has a chat feature that allows users to send and receive instant messages  
 10 through Facebook Messenger. These chat communications are stored in the chat history  
 11 for the account. Facebook also has Video and Voice Calling features, and although  
 12 Facebook does not record the calls themselves, it does keep records of the date of each call.

13       34. If a Facebook user does not want to interact with another user on Facebook,  
 14 the first user can "block" the second user from seeing his or her account.

15       35. Facebook has a "like" feature that allows users to give positive feedback or  
 16 connect to particular pages. Facebook users can "like" Facebook posts or updates, as well  
 17 as webpages or content on third-party (i.e., non-Facebook) websites. Facebook users can  
 18 also become "fans" of particular Facebook pages.

19       36. Facebook has a search function that enables its users to search Facebook for  
 20 keywords, usernames, or pages, among other things.

21       37. Each Facebook account has an activity log, which is a list of the user's posts  
 22 and other Facebook activities from the inception of the account to the present. The activity  
 23 log includes stories and photos that the user has been tagged in, as well as connections  
 24 made through the account, such as "liking" a Facebook page or adding someone as a friend.  
 25 The activity log is visible to the user but cannot be viewed by people who visit the user's  
 26 Facebook page.

27  
 28

1       38. Facebook also has a Marketplace feature, which allows users to post free  
 2 classified ads. Users can post items for sale, housing, jobs, and other items on the  
 3 Marketplace.

4       39. In addition to the applications described above, Facebook also provides its  
 5 users with access to thousands of other applications (“apps”) on the Facebook platform.  
 6 When a Facebook user accesses or uses one of these applications, an update about that the  
 7 user’s access or use of that application may appear on the user’s profile page.

8       40. Facebook also retains Internet Protocol (“IP”) logs for a given user ID or IP  
 9 address. These logs may contain information about the actions taken by the user ID or IP  
 10 address on Facebook, including information about the type of action, the date and time of  
 11 the action, and the user ID and IP address associated with the action. For example, if a  
 12 user views a Facebook profile, that user’s IP log would reflect the fact that the user viewed  
 13 the profile, and would show when and from what IP address the user did so.

14      41. Social networking providers like Facebook typically retain additional  
 15 information about their users’ accounts, such as information about the length of service  
 16 (including start date), the types of service utilized, and the means and source of any  
 17 payments associated with the service (including any credit card or bank account number).  
 18 In some cases, Facebook users may communicate directly with Facebook about issues  
 19 relating to their accounts, such as technical problems, billing inquiries, or complaints from  
 20 other users. Social networking providers like Facebook typically retain records about such  
 21 communications, including records of contacts between the user and the provider’s support  
 22 services, as well as records of any actions taken by the provider or user as a result of the  
 23 communications.

24      42. As explained herein, information stored in connection with a Facebook  
 25 account may provide crucial evidence of the “who, what, why, when, where, and how” of  
 26 the criminal conduct under investigation, thus enabling the United States to establish and  
 27 prove each element or alternatively, to exclude the innocent from further suspicion. In my  
 28 training and experience, a Facebook user’s IP log, stored electronic communications, and

1 other data retained by Facebook, can indicate who has used or controlled the Facebook  
 2 account. This “user attribution” evidence is analogous to the search for “indicia of  
 3 occupancy” while executing a search warrant at a residence. For example, profile contact  
 4 information, private messaging logs, status updates, and tagged photos (and the data  
 5 associated with the foregoing, such as date and time) may be evidence of who used or  
 6 controlled the Facebook account at a relevant time. Further, Facebook account activity can  
 7 show how and when the account was accessed or used. For example, as described herein,  
 8 Facebook logs the Internet Protocol (IP) addresses from which users access their accounts  
 9 along with the time and date. By determining the physical location associated with the  
 10 logged IP addresses, investigators can understand the chronological and geographic  
 11 context of the account access and use relating to the crime under investigation. Such  
 12 information allows investigators to understand the geographic and chronological context  
 13 of Facebook access, use, and events relating to the crime under investigation. Additionally,  
 14 Facebook builds geo-location into some of its services. Geo-location allows, for example,  
 15 users to “tag” their location in posts and Facebook “friends” to locate each other. This  
 16 geographic and timeline information may tend to either inculpate or exculpate the  
 17 Facebook account owner or others. Last, Facebook account activity may provide relevant  
 18 insight into the Facebook account owner’s state of mind as it relates to the offense under  
 19 investigation. For example, information on the Facebook account may indicate the owner’s  
 20 motive and intent to commit a crime (e.g., information indicating a plan to commit a crime),  
 21 or consciousness of guilt (e.g., deleting account information in an effort to conceal  
 22 evidence from law enforcement).

23       43. Therefore, the computers of Facebook are likely to contain all the material  
 24 described above, including stored electronic communications and information concerning  
 25 subscribers and their use of Facebook, such as account access information, transaction  
 26 information, and other account information.

1           **INFORMATION TO BE SEARCHED AND THINGS TO BE SEIZED**

2       44. Pursuant to Title 18, United States Code, Section 2703(g), this application  
 3 and affidavit for a search warrant seeks authorization to permit Facebook, and their  
 4 representatives and employees, to assist agents in the execution of this warrant. Once  
 5 issued, the search warrant will be presented to Facebook with direction that it identify the  
 6 accounts described in Attachment A, as well as other subscriber and log records  
 7 associated with the Subject Accounts, as set forth in Attachment B.

8       45. The search warrant will direct Facebook to create an exact copy of the  
 9 specified accounts and records.

10      46. I, and/or other law enforcement personnel will thereafter review the copy of  
 11 the electronically stored data, and identify from among that content those items that come  
 12 within the items identified in Section II to Attachment B, for seizure.

13      47. Analyzing the data contained in the forensic image may require special  
 14 technical skills, equipment, and software. It could also be very time-consuming.  
 15 Searching by keywords, for example, can yield thousands of “hits,” each of which must  
 16 then be reviewed in context by the examiner to determine whether the data is within the  
 17 scope of the warrant. Merely finding a relevant “hit” does not end the review process.  
 18 Keywords used originally need to be modified continuously, based on interim results.  
 19 Certain file formats, moreover, do not lend themselves to keyword searches, as keywords,  
 20 search text, and many common e-mail, database and spreadsheet applications do not store  
 21 data as searchable text. The data may be saved, instead, in proprietary non-text format.  
 22 And, as the volume of storage allotted by service providers increases, the time it takes to  
 23 properly analyze recovered data increases, as well. Consistent with the foregoing,  
 24 searching the recovered data for the information subject to seizure pursuant to this  
 25 warrant may require a range of data analysis techniques and may take weeks or even  
 26 months. All forensic analysis of the data will employ only those search protocols and  
 27 methodologies reasonably designed to identify and seize the items identified in Section II  
 28 of Attachment B to the warrant.

48. Based on my experience and training, and the experience and training of other agents with whom I have communicated, it is necessary to review and seize a variety of messenger communications, chat logs, files, payment records and documents, that identify any users of the Subject Accounts and communications sent or received in temporal proximity to incriminating messages that provide context to the incriminating communications.

## CONCLUSION

49. Based on the foregoing, I request that the Court issue the proposed search warrant.

50. Pursuant to 18 U.S.C. § 2703(g), the presence of a law enforcement officer is not required for the service or execution of this warrant. The government will execute this warrant by serving it on Facebook. Because the warrant will be served on Facebook, who will then compile the requested records at a time convenient to it, reasonable cause exists to permit the execution of the requested warrant at any time in the day or night.

51. This Court has jurisdiction to issue the requested warrant because it is “a court of competent jurisdiction” as defined by 18 U.S.C. § 2711. 18 U.S.C. §§ 2703(a), (b)(1)(A) & (c)(1)(A). Specifically, the Court is “a district court of the United States . . . that - has jurisdiction over the offense being investigated.” 18 U.S.C. § 2711(3)(A)(i). Accordingly, by this Affidavit and Warrant, I seek authority for the government to search all of the items specified in Section I, Attachment B, and specifically to seize all of the data, documents and records that are identified in Section II to that same Attachment.

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2 Respectfully submitted,  
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7 CARYN HIGHLEY  
8 SPECIAL AGENT, FBI  
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10 The above-named agent provided a sworn statement attesting to the truth of the  
11 contents of the foregoing affidavit on the 17<sup>th</sup> day of April, 2020.  
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John L. Weinberg  
U.S. MAGISTRATE JUDGE

1                   ATTACHMENT A

2                   **PROPERTY TO BE SEARCHED**

3                   The electronically stored data, information, and communications contained in,  
4 related to, and associated with, including all preserved data associated with Facebook,  
5 Inc. accounts **johnnieB.EAZY (account identifier 100000860514228);**  
6 **john.fuentes.1217727 (account identifier 100024203054648); john.fuenfes (account**  
7 **identifier 100023026680115); and account identifier 100004617467232** (the “Subject  
8 Accounts”), as well as all other subscriber and log records associated with the Subject  
9 Accounts, which are located at premises owned, maintained, controlled or operated by  
10 Facebook, Inc. a social media application provider headquartered at 1601 Willow Road,  
11 Menlo Park, California, 94025.

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## **ATTACHMENT B**

### *Particular Things to be Seized*

#### I. Information to be disclosed by Facebook

To the extent that the information described in Attachment A is within the possession, custody, or control of Facebook Inc. (“Facebook”), regardless of whether such information is located within or outside of the United States, including any messages, records, files, logs, or information that have been deleted but are still available to Facebook, or have been preserved pursuant to a request made under 18 U.S.C. § 2703(f), Facebook is required to disclose the following information to the government for each of the Subject Accounts listed in Attachment A:

- (a) All contact and personal identifying information, including for user IDs: full name, user identification number, birth date, gender, contact e-mail addresses, physical address (including city, state, and zip code), telephone numbers, screen names, websites, and other personal identifiers.
- (b) All activity logs for the account and all other documents showing the user's posts and other Facebook activities;
- (c) All photos and videos uploaded by that user ID and all photos and videos uploaded by any user that have that user tagged in them, including Exchangeable Image File ("EXIF") data and any other metadata associated with those photos and videos;
- (d) All records or other information regarding the devices and internet browsers associated with, or used in connection with, that user ID, including the hardware model, operating system version, unique device identifiers, mobile network information, and user agent string;
- (e) All other records and contents of communications and messages made or received by the user, including all Messenger activity, private messages, chat history, video and voice calling history, and pending "Friend" requests;
- (f) All "check ins" and other location information;

1                     (g) All IP logs, including all records of the IP addresses that logged into the  
2 account;  
3                     (h) All information about the Facebook pages that the account is or was a “fan”  
4 of;  
5                     (i) All past and present lists of friends created by the account;  
6                     (j) All records of Facebook searches performed by the account;  
7                     (k) All privacy settings and other account settings, including privacy settings for  
8 individual Facebook posts and activities, and all records showing which  
9 Facebook users have been blocked by the account;  
10                    (l) All records pertaining to communications between Facebook and any person  
11 regarding the user or the user’s Facebook account, including contacts with  
12 support services and records of actions taken.

13                   Facebook is hereby ordered to disclose the above information to the government  
14 within 14 days of service of this warrant.  
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16 II. Information to be seized by the government

17                   All information described above in Section I that constitutes fruits, evidence and  
18 instrumentalities of violations of 18 U.S.C. § 113, 18 U.S.C. § 1111, 18 U.S.C. § 1112,  
19 between March 1, 2018 and January 1, 2019, limited to the following:

20                   • All communications, in whatever form, between FUENTES and J.B.S.; between  
21 FUENTES and HALE; and between FUENTES and SUOMELA;  
22                   • All communications, in whatever form, between J.B.S. and FUENTES; between  
23 J.B.S. and HALE; and between J.B.S. and SUOMELA;  
24                   • All records, communications, content, or information relating to J.B.S. in  
25 FUENTES’s account;  
26                   • All records, communications, content, or information relating to J.B.S.’s or  
27 FUENTES’s location or whereabouts between May 31, 2018 and June 23, 2018;  
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- 1     • All records, communications, content, or information relating to the WHALE's  
2         voyage that began on June 2, 2018, including communications or content relating  
3         to the planning of that voyage;
- 4     • All records, communications, content, or information bearing on the views of  
5         FUENTES, HALE, SUOMELA, or any other person toward J.B.S.;
- 6     • All "check-in" and other location information for FUENTES and J.B.S.;
- 7     • Evidence bearing on the identity of the person(s) who created or used the user ID,  
8         including contact and identifying information, IP address information, and records  
9         that help reveal the whereabouts of such person(s).

10         This warrant authorizes a review of electronically stored information,  
11         communications, other records and information disclosed pursuant to this warrant in order  
12         to locate evidence, fruits, and instrumentalities described in this warrant. The review of  
13         this electronic data may be conducted by any government personnel assisting in the  
14         investigation, who may include, in addition to law enforcement officers and agents,  
15         attorneys for the government, attorney support staff, and technical experts. Pursuant to this  
16         warrant, the FBI may deliver a complete copy of the disclosed electronic data to the custody  
17         and control of attorneys for the government and their support staff for their independent  
18         review.

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